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IP GROUP		2155		J 0
1650 TYSONS BOULEVARD				
SUITE 1300				
MCLEAN, VA 22102				

DATE MAILED: 03/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

FEC

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/502,377	TOBIAS ET AL.
	Examiner Thu Ha T. Nguyen	Art Unit 2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 30 December 2003.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-23 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |  |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) ✓                       | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>3</u> . | 6) <input type="checkbox"/> Other: _____ .                                   |

## **DETAILED ACTION**

1. Claims 1-23 are presented for examination.

### **Response to Arguments**

2. Applicant's arguments filed on December 30, 2003 have been fully considered but they are not persuasive because of the following reasons:

3. Applicants argue that Willis does not teach or suggest "receiving from a network client that is connected to the network a request" or capturing the one or more traditional media source programs "in response to receiving the request". In response to Applicants' argument, Office Patent asserts that Willis does teach receiving from a network client that is connected to the network a request" or capturing the one or more traditional media source programs "in response to receiving the request as shown in abstract, figures 1-4, col. 3 lines 4-44, col. 8 lines 56-col. 9 lines 26, col. 10 lines 12-col. 11 lines 4. A client sends a request for information or action to server, according to some protocol, the server in response to request sends data stream and data files to client and coordinated by multiplexing authentication and session information (such as address, ID, timing, checksum and format information) in the data stream and data file accordingly.

4. As a result, cited prior arts do disclose a system and method for automatically recording and publishing traditional media source programs over a network, as broadly claimed by the Applicants. Applicants clearly have still failed to identify specific claim limitations that would define a clearly patentable distinction over prior art.

5. Therefore, the Patent Office concludes that cited prior art teaches or suggests the subject matter broadly recited in independent claims 1, 12 and 23. Claims 2-11 and 13-22 are also rejected at least by virtue of their dependency on independent claims and by other reasons set forth in the previous office action [see paper no. 8]. Accordingly, claims 1-23 are rejected.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 1, 5-6, 12, 16-17 and 23 are rejected under 35 U.S.C. § 102(e) as being anticipated by **Willis et al.**, (hereinafter Willis) U.S. Patent No. **6,584,082**.

8. As to claim 1, **Willis** teaches the invention substantially as claimed, including a method for automatically recording and publishing traditional media source programs over a network, the method comprising the computer-implemented steps of:

receiving from a network client that is connected to the network a request for publication of one or more traditional media source programs in one or more encoding formats (abstract, col. 3 lines 4-25);

in response to receiving the request, capturing the one or more traditional media source programs from a traditional media source that broadcasts the one or more traditional media source programs at a particular broadcast time (abstract, figures 1-4, col. 8 lines 56-col. 9 lines 26);

encoding the one or more traditional media source programs in the one or more encoding formats to produce one or more encoded media programs (abstract, table 3, figure 5, col. 2 lines 58-col. 3 lines 44, col. 10 lines 48-col. 11 lines 4); and

publishing, at a time different from the particular broadcast time, the one or more encoded media programs over the network to the network client (abstract, figures 1, 3, col. 9 lines 39-col. 10 lines 11).

9. As to claim 5, **Willis** teaches the invention substantially as claimed, wherein: the step of receiving a request for publication of one or more traditional media source programs in one or more encoding formats includes the step of receiving a request for publication of the one or more traditional media source programs in one or more streaming media formats; and the step of encoding the one or more traditional

media source programs in the one or more encoding formats includes the step of encoding the one or more traditional media source programs in the one or more streaming media formats (abstract, table 3, figures 1, 3, 5, 8, col. 2 lines 58-col. 3 lines 44, col. 8 lines 54-col. 11 lines 58).

10. As to claim 6, **Willis** teaches the invention substantially as claimed, wherein: the step of receiving a request for publication of one or more traditional media source programs in one or more encoding formats includes the step of receiving a request for publication of one or more traditional media source programs in one or more non-streaming media formats; and the step of encoding the one or more traditional media source programs in the one or more encoding formats includes the step of encoding the one or more traditional media source programs in the one or more non-streaming media formats (abstract, table 3, figures 2-3, 8, col. 2 lines 58-col. 3 lines 44, col. 9 lines 54-col. 10 lines 11, col. 11 lines 52-58).

11. As to claim 12, **Willis** teaches the invention substantially as claimed, including a computer-readable medium carrying one or more sequences of instructions for automatically recording and publishing traditional media source programs over a network, wherein execution of the one or more sequences of instructions by one or more processors causes the one or more processors (table 3) to perform the steps of:

receiving from a network client that is connected to the network a request for publication of one or more traditional media source programs in one or more encoding formats (abstract, col. 3 lines 4-25);

in response to receiving the request, capturing the one or more traditional media source programs from a traditional media source that broadcasts the one or more traditional media source programs at a particular broadcast time (abstract, figures 1-4, col. 8 lines 56-col. 9 lines 26);

encoding the one or more traditional media source programs in the one or more encoding formats to produce one or more encoded media programs (abstract, table 3, figure 5, col. 2 lines 58-col. 3 lines 44, col. 10 lines 48-col. 11 lines 4); and

publishing, at a time different from the particular broadcast time, the one or more encoded media programs over the network to the network client (abstract, figures 1, 3, col. 9 lines 39-col. 10 lines 11).

12. As to claim 23, **Willis** teaches the invention substantially as claimed, including a system for automatically recording and publishing traditional media source programs in digital format over a network, the system comprising: a digital remote recorder, wherein the digital remote recorder is configured to receive encoding requests from a network client that is connected to the network and to automatically capture and encode the traditional media source programs into corresponding one or more encoded media programs based on the encoding requests (abstract, figures 1-5, col. 8 lines 56-col. 10 lines 59); and a network server that is connected to the digital remote recorder,

wherein the network server is configured to store the one or more encoded media programs, and to publish the one or more encoded media programs to the network client (abstract, figures 1-5, col. 9 lines 6-col. 10 lines 59).

13. As to claim 16-17, they are apparatus claims directed to record and publish traditional media source program over a network of method claims 5-6. Claims 16-17 have similar limitations to claims 5-6; therefore, they are rejected under the same rationale.

#### **Claim Rejections - 35 USC § 103**

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 2-4, 7-10, 13-15, and 18-21 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over **Willis** U.S. Patent No. **6,584,082**, in view of **Cragun et al.**, (hereinafter Cragun) U.S. Patent No. **5,973,683**.

16. As to claim 2, **Willis** does not explicitly teach the invention as claimed; however, **Cragun** teaches the step of causing a viewer interface to be displayed at the network client, wherein the viewer interface: allows selection of the one or more traditional media source programs for encoding; and allows specification of publishing parameters; wherein the step of publishing is performed based on said publishing parameters (abstract, figures 2, 3, 5, col. 5 lines 55-col. 6 lines 28, col. 7 lines 40-col. 10 lines 49 ). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the teachings of **Willis and Cragun** to cause a viewer interface to be displayed at the network client, wherein the viewer interface: allows selection of the one or more traditional media source programs for encoding; and allows specification of publishing parameters; wherein the step of publishing is performed based on said publishing parameters because it would have an efficient communication system for utilizing, controlling and selecting the content source displayed on a viewer interface which help to reduce undesirable viewing time.

17. As to claim 3, **Willis** does not explicitly teach the invention as claimed; however, **Cragun** teaches wherein the selection of the one or more traditional media source programs for encoding includes selecting traditional media source programs a broadcast of which, from the traditional media source, is not generally receivable at the geographic location at which the network client resides (figure 2, col. 10 lines 22-36). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the teachings of **Willis and Cragun** to have the selection of

the one or more traditional media source programs for encoding includes selecting traditional media source programs a broadcast of which, from the traditional media source, is not generally receivable at the geographic location at which the network client resides because it would have an efficient system that can allow viewer selects and views variety of kind of content sources in different geographic locations.

18. As to claim 4, **Willis** does not explicitly teach the invention as claimed; however, **Cragun** teaches wherein the specification of publishing parameters includes specifying a time of publication of each of the one or more encoded media programs to the network client (figures 2, 3, col. 10 lines 22-60). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the teachings of **Willis and Cragun** to have the same motivation as set forth in claim 2.

19. As to claim 7, **Willis** does not explicitly teach the invention as claimed; however, **Cragun** teaches the step of notifying the network client that the one or more traditional media source programs have been encoded in the one or more encoding formats to produce one or more encoded media programs (figure 2, col. 7 lines 50-col. 9 lines 65). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the teachings of **Willis and Cragun** to have the step of notifying the network client that the traditional media source programs have been encoded in the encoding format because it would have an efficient communication

system that can control, track and select sources when the sources are available to help reduce undesirable viewing time.

20. As to claim 8, **Willis** does not explicitly teach the invention as claimed; however, **Cragun** teaches the step of notifying the network client includes the step of notifying the network client via an e-mail message (figure 2, col. 9 lines 47-col. 10 lines 7). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the teachings of **Willis and Cragun** to have the same motivation as set forth in claim 7, supra.

21. As to claim 9, **Willis** does not explicitly teach the invention as claimed; however, **Cragun** teaches the step of sending an e-mail message to the network client, wherein the e-mail message includes a link which when selected initiates the transmission of one of the one or more encoded media programs to the network client (figure 2, col. 9 lines 7-col. 10 lines 60). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the teachings of **Willis and Cragun** to have the same motivation as set forth in claim 7, supra.

22. As to claim 10, **Willis** does not explicitly teach the invention as claimed; however, **Cragun** teaches the step of sending an e-mail message to the network client, wherein the e-mail message includes a link which when selected causes a Web page to be displayed at the network client that includes controls that allow a user of the network

client to initiate the transmission of one of the one or more encoded media programs to the network client (figures 2, 3, col. 9 lines 7-col. 11 lines 67). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the teachings of **Willis and Cragun** to have the same motivation as set forth in claim 7, supra.

23. As to claims 13-15 and 18-21, they are apparatus claims directed to record and publish traditional media source program over a network of method claims 2-4, and 7-10. Claims 13-15, and 18-21 have similar limitations to claims 2-4, and 7-10; therefore, they are rejected under the same rationale.

24. Claims 11 and 22 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over **Willis** U.S. Patent No. **6,584,082**, and **Cragun** U.S. Patent No. **5,973,683**, further in view of **Day et al.**, (hereinafter Day) U.S. Patent No. **5,941,951**.

25. As to claim 11, **Willis and Cragun** do not explicitly teach the invention as claimed; however, **Day** teaches the step of adding a link to a Web page that is associated with the network client, wherein the link allows a user of the network client to initiate the transmission of one of the one or more encoded media programs to the network client (figure 1, col. 4 lines 1-51). It would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to combine the teachings of

**Willis, Cragun and Day** to have the adding a link to a Web page step because it would have an efficient system that can add and access to variety of links in a web page.

26. As to claim 22, it is an apparatus claim directed to record and publish traditional media source program over a network of method claim 11. Claim 22 has similar limitations to claim 11; therefore, claim 22 is rejected under the same rationale.

### **Conclusion**

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Ha Nguyen, whose telephone number is (703)

305-7447. The examiner can normally be reached Monday through Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, SPE Hosain T. Alam, can be reached at (703) 308-6662.

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications.

Thu Ha Nguyen

February 25, 2004

*W. Alam*  
HOSAIN ALAM  
SUPERVISORY PATENT EXAMINER